

S/N 10/002,913

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KITABATAKE	Examiner:	ABRAHAM
Serial No.:	10/002,913	Group Art Unit:	2826
Filed:	October 23, 2001	Docket No.:	10873.830US01
Title:	SEMICONDUCTOR ELEMENT		

CERTIFICATE UNDER 37 CFR 1.6(d): I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on March 17, 2005.

By: 
Name: Gina Dahl

**DECLARATION OF JODI GANDEL-KLEIN IN SUPPORT OF PETITION
TO WITHDRAW HOLDING OF ABANDONMENT**

Mail Stop Petition
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, Jodi Gandel-Klein, declare and state:

1. I am the Docketing Supervisor for Merchant & Gould, the law firm prosecuting the above-referenced patent application. I have been Docketing Supervisor since November 17, 1997.
2. I am responsible for overseeing all incoming Patent and Trademark Office communications and oversee those responsible for seeing that these communications are properly docketed and entered into our computerized docketing system.
3. Incoming mail received by the firm is sorted into correspondence that may require docketing and correspondence that does not require docketing. The correspondence that may require docketing is further distinguished between correspondence from the Patent and Trademark Office and other correspondence. After the incoming mail has been date stamped to show date of receipt, a member of the firm's docketing department retrieves the mail that may require docketing and brings it to the docketing department. The appropriate personnel then docket the correspondence.

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4. If such a Notice of Allowance had been received, the communication would have been docketed by entering into the computerized docket system the date the Notice of Allowance was mailed. The computerized docket system would then calculate the due dates for response to the Notice of Allowance up to the three month statutory deadline. The first page of the Notice of Allowance would then be initialed by the person docketing the Notice of Allowance to indicate that it had been docketed and forwarded to the attorney responsible for the patent application for further action, e.g., reporting to the client, etc.

5. I have reviewed the records in the firm's docket system and find no entry for the Notice of Allowance for this application, nor any other evidence that would suggest that the Notice of Allowance actually was received by the firm.

6. In view of the above, I believe that the Notice of Allowance for this application was never delivered to the docketing department for docketing.

7. I declare that all statements made herein of my own knowledge are true and that all statements made on information belief are believed to be true; and further that these statements were made with knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18, of the United States Code and that such willful, false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: March 17, 2005

By: 
Jodi Gandel-Klein
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P.O. Box 2903
Minneapolis, MN 55402-0903
Customer No. 23552

DPM/gmd